



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

CAROL RAY,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 1:06-2946-HFF-JRM
	§	
BECHTEL SAVANNAH RIVER, INC.,	§	
Defendant.	§	

---

---

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE

---

---

This case was filed as a job discrimination action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant's Motion to Dismiss Plaintiff's tort claims be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 11, 2007. Plaintiff failed to file any objections. In the absence of objections, the Court is not required to give any explanation for

adopting the recommendation as to Plaintiff's claims. *Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review of those claims. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

Defendant, however, filed objections on June 25, 2007, maintaining that it is entitled to attorneys' fees and costs related to this suit. The Court will ask the Magistrate Judge for a recommendation on this issue.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report to the extent that it does not contradict this Order and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's Motion to Dismiss Plaintiff's tort claims must be **GRANTED**.

Furthermore, in light of Defendant's objections, the Court requests that the Magistrate Judge recommend whether attorneys' fees and costs related to this suit are appropriate. If the Magistrate Judge determines that they are warranted, then the Court asks the Magistrate Judge to suggest the proper amount that Plaintiff should be required to pay.

**IT IS SO ORDERED.**

Signed this 2nd day of July, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE